

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DANIEL POOLE,)	
)	
Plaintiff,)	
)	Case No. 07 C 6355
v.)	
)	JURY DEMAND
)	
VILLAGE OF BURBANK, <i>et al.</i>)	
)	
Defendants.)	

REPORT OF PARTIES' PLANNING MEETING

1. **Meeting:** Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held by telephonically on **January 18, 2008** and was attended by:

for the plaintiffs:
Jeffrey R. Kulwin
KULWIN, MASCIOPINTO
& KULWIN, L.L.P.
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for the defendants:
Joseph Cainkar
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2. **Pre-trial Schedule:** The parties jointly propose to the Court the following discovery plan:¹

(a) Discovery will be needed on the following subjects:

(1) Whether the force used by Defendants to arrest Plaintiff was excessive.

¹In or around December, 2007, Plaintiff was seriously injured in a car accident which resulted in injuries which, at this point, requires appointment of a guardian to act on Plaintiff's behalf in this matter. Plaintiff's counsel anticipates appointment of a guardian for Plaintiff within 21 days. As a result, the parties counsel agreed to stay discovery for 21 days until a guardian can be appointed. As a result, the dates reflected in this proposed schedule incorporate the 21 day discovery stay period.

- (2) Whether Plaintiff was physically and/or emotionally injured as a direct and proximate result of Defendants' conduct.
- (3) Whether Defendants' acts were reasonable or done maliciously, willfully and wantonly, intentionally, and/or with reckless disregard and gross negligence towards Plaintiff's clearly established rights under the Fourth Amendment of the Constitution of the United States, 42 U.S.C. §1983, and the common law of the State of Illinois.
- (4) Whether the Village, by inadequately training, supervising, and/or disciplining its officers with respect to the procedures required by the Fourth Amendment pertaining to search and seizures and demonstrating a formal or informal custom, policy and/or practice of deliberate indifference to the constitutional rights of individuals to be free from unreasonable search and seizures, expressly or impliedly authorized, consented or acquiesced in the violation of Plaintiff's rights under the Fourth Amendment of the Constitution of the United States and 42 U.S.C. §1983.
- (5) Whether the Defendants' committed the tort of intentional infliction of emotional distress in violation of the common law of the State of Illinois.
- (b) Initial Rule 26(A)(1) disclosures and written discovery requests have already been exchanged between the parties. The parties believe that all discovery commenced in time to be completed by **June 30, 2008**²
- (c) The parties believe that they will need approximately 10-12 depositions.
- (d) Reports from retained experts, if any, are due:
 - (1) from plaintiff, 30 days after a ruling on summary judgment if filed; otherwise by **July 31, 2008**;
 - (2) from defendant, 45 days after plaintiff discloses an expert report; and
 - (3) expert discovery, if any, completed by **September 30, 2008**.
- (e) All potentially dispositive motion to be filed by **July 31, 2008**.
- (f) Final Pre-Trial Order due date: September 19, 2008. Plaintiff to prepare draft pre-trial order by **September 15, 2008**.

²This would not include expert discovery which would have to be completed by **September 30, 2008**.

- (g) The parties believe this case should be ready for trial on **October 1, 2008** and should take approximately **5-7** days.

3. **Settlement:** From the of the inception of this lawsuit, the parties have discussed, without success, a possible settlement in this matter. The parties agree to exchange settlement demands after the exchange of written discovery. Plaintiff's settlement letter is due on February 28, 2008. Defendants' written response is due on March 6, 2008.

4. The parties do not consent unanimously to proceed before a Magistrate Judge.

Dated: January 23, 2008

/s/ Jeffrey R. Kulwin
One of the attorneys for plaintiffs

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/s/ Joseph Cainkar
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